

Pt. 68, Subpt. B, App. B

46 CFR Ch. I (10–1–09 Edition)

Date _____

[CGD 90–055, 57 FR 7642, Mar. 3, 1992, as amended by USCG–2003–14505, 68 FR 9535, Feb. 28, 2003. Redesignated by USCG–2007–28098, 71 FR 61418, Oct. 18, 2006]

**APPENDIX B TO SUBPART B OF PART 68—
OATH FOR DOCUMENTATION OF VES-
SELS FOR USE BY A NOT-FOR-PROFIT
OIL SPILL RESPONSE COOPERATIVE**

*Department of Homeland Security, U.S. Coast
Guard*

Oath for Documentation of Vessels For Use
by a Not-For-Profit Oil Spill Response Co-
operative [46 U.S.C. 12106(d)]

Cooperative:

Name _____

Address _____

Jurisdiction where incorporated or orga-
nized _____

I, the undersigned officer of _____, a
not-for-profit oil spill response cooperative,
swear that I am legally authorized to make
this oath on behalf of the cooperative, and
its members and that the cooperative has ac-
cepted the vessel _____.

I/we _____, am/are the owner(s) of the
vessel. I/we further swear that the vessel has
been dedicated to the exclusive use of the co-
operative for the purpose of training for, car-
rying out, or supporting oil spill cleanup op-
erations or related research activities for
discharges of oil into the navigable waters of
the United States and the Exclusive Eco-
nomic Zone and that the cooperative has ac-
cepted the vessel.

For the Cooperative:

Name _____

Address _____

Cooperative _____

Title or Capacity _____

For Each Vessel Owner:

Name _____

Cooperative _____

Title or Capacity _____

Subscribed and sworn to before me on the
day and year shown.

(Notary Public)

Date _____

[CGD 90–055, 57 FR 7642, Mar. 3, 1992, as
amended by USCG–2003–14505, 68 FR 9535,
Feb. 28, 2003. Redesignated by USCG–2007–
28098, 71 FR 61418, Oct. 18, 2006]

**Subpart C—Vessels With a Coast-
wise Endorsement Issued on
or After August 9, 2004, That
Are Demised Chartered to
Coastwise Qualified Citizens**

SOURCE: USCG–2005–20258, 71 FR 61419, Oct.
18, 2006, unless otherwise noted.

§ 68.50 Purpose and applicability.

(a) This subpart contains require-
ments, in addition to those in part 67 of
this chapter, for obtaining a coastwise
endorsement for a U.S.-built vessel—

(1) That is owned by a person that
qualifies as a citizen under § 67.35(a),
§ 67.36(a), § 67.37, or § 67.39(a) of this
chapter; and

(2) That is demise chartered to a
coastwise qualified citizen under § 67.33,
§ 67.35(c), § 67.36(c), § 67.37, § 67.39(c), or
§ 67.41 of this chapter.

(b) This subpart applies to a vessel
with a coastwise endorsement issued
on or after August 9, 2004. It does not
apply to a vessel under subpart D of
this part.

§ 68.55 Definitions.

In addition to the terms defined in
§ 67.3 of this chapter, as used in this
subpart—

Affiliate means, with respect to any
person, any other person that is—

(1) Directly or indirectly controlled
by, under common control with, or
controlling that person; or

(2) Named as being part of the same
consolidated group in any report or
other document submitted to the
United States Securities and Exchange
Commission or the Internal Revenue
Service.

Cargo does not include cargo to which
title is held for non-commercial rea-
sons and primarily for the purpose of
evading the requirements of
§ 68.65(a)(2).

Oil has the meaning given that term
in 46 U.S.C. 2101(20).

Operation or management, for vessels,
means all activities related to the use
of vessels to provide services. These ac-
tivities include, but are not limited to,
ship agency; ship brokerage; activities
performed by a vessel operator or de-
mise charterer in exercising direction

and control of a vessel, such as crewing, victualing, storing, and maintaining the vessel and ensuring its safe navigation; and activities associated with controlling the use and employment of the vessel under a time charter or other use agreement. It does not include activities directly associated with making financial investments in vessels or the receipt of earnings derived from these investments.

Passive investment means an investment in which neither the investor nor any affiliate of the investor is involved in, or has the power to be involved in, the formulation, determination, or direction of any activity or function concerning the use, operation, or management of the asset that is the subject of the investment.

Qualified proprietary cargo means—

(1) Oil, petroleum products, petrochemicals, or liquefied natural gas cargo that is beneficially owned by the person who submits to the Director, National Vessel Documentation Center, an application or annual certification under § 68.65(a)(2), or by an affiliate of that person, immediately before, during, or immediately after the cargo is carried in coastwise trade on a vessel owned by that person;

(2) Oil, petroleum products, petrochemicals, or liquefied natural gas cargo not beneficially owned by the person who submits to the Director, National Vessel Documentation Center, an application or an annual certification under § 68.65(a)(2), or by an affiliate of that person, but that is carried in coastwise trade by a vessel owned by that person and which is part of an arrangement in which vessels owned by that person and at least one other person are operated collectively as one fleet, to the extent that an equal amount of oil, petroleum products, petrochemicals, or liquefied natural gas cargo beneficially owned by that person, or an affiliate of that person, is carried in coastwise trade on one or more other vessels, not owned by that person, or an affiliate of that person, if the other vessel or vessels are also part of the same arrangement;

(3) In the case of a towing vessel associated with a non-self-propelled tank vessel where the two vessels function as a single self-propelled vessel, oil, pe-

troleum products, petrochemicals, or liquefied natural gas cargo that is beneficially owned by the person who owns both the towing vessel and the non-self-propelled tank vessel, or any United States affiliate of that person, immediately before, during, or immediately after the cargo is carried in coastwise trade on either of the two vessels; or

(4) Any oil, petroleum products, petrochemicals, or liquefied natural gas cargo carried on any vessel that is either a self-propelled tank vessel having a length of at least 210 meters (about 689 feet) or a tank vessel that is a liquefied natural gas carrier that—

(i) Was delivered by the builder of the vessel to the owner of the vessel after December 31, 1999; and

(ii) Was purchased by a person for the purpose, and with the reasonable expectation, of transporting on the vessel liquefied natural gas or unrefined petroleum beneficially owned by the owner of the vessel, or an affiliate of the owner, from Alaska to the continental United States.

Sub-charter means all types of charters or other contracts for the use of a vessel that are subordinate to a charter. The term includes, but is not limited to, a demise charter, a time charter, a voyage charter, a space charter, and a contract of affreightment.

United States affiliate means, with respect to any person, an affiliate the principal place of business of which is located in the United States.

§ 68.60 Eligibility of a vessel for a coastwise endorsement under this subpart.

(a) To be eligible for a coastwise endorsement under 46 U.S.C. 12106(e) and to operate in coastwise trade under 46 U.S.C. 12106(e) and 12110(b), a vessel must meet the following:

(1) The vessel is eligible for documentation under 46 U.S.C. 12102.

(2) The vessel is eligible for a coastwise endorsement under § 67.19(c) of this chapter and has not lost coastwise eligibility under § 67.19(d) of this chapter.

(3) The person that owns the vessel (or, if the vessel is owned by a trust or similar arrangement, the beneficiary of